

REMARKS

This paper is responsive to the Office Action dated May 22, 2007. Claims 1-16 were pending in this application before submission of this paper. Claims 1, 3, 5-8, 10, 11, 13, and 16 have been amended. Claims 2, 9 and 15 have been cancelled by this amendment. Claims 1, 3-8, 10-14 and 16 are currently pending. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

Claim Objections

The Office Action objected to claim 1 for an informality due to the phrase "A computer system transfers data..." Claim 1 has been corrected to read "A computer system for transferring data..." Thus, the objection to claim 1 is overcome.

Claim Rejections Under 35 U.S.C. § 101

The Office Action rejected claim 16 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, functional descriptive material (e.g. a program) is not statutory in the absence of a structurally and functionally interrelated computer-readable medium. Claim 16 has been amended to recite in part, "A computer-readable medium storing a program... the program, when executed, performing the following actions..." Thus, the rejection of claim 16 is overcome.

Claim Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 6-16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action rejected claim 6 because the claim introduces blocks and pluralities of blocks several times, but refers to "the block" later in the claims. Claim 6 has been amended to distinguish "a particular block of the plurality of first blocks" from "a plurality of first blocks." Thus, the rejection of claim 6 is overcome.

The Office Action rejected claim 7 because the claim recites "the plurality of blocks," but this may refer to any of the blocks or pluralities of blocks previously introduced. Claim 7 has been amended to distinguish "a plurality of second blocks" from the other blocks previously introduced. Thus, the rejection of claim 7 is overcome.

The Office Action rejected claim 8 because the claim recites "the block" and "the plurality of blocks," but this may refer to any of the blocks or pluralities of blocks previously introduced. Claim 8 has been amended to distinguish "a particular block of transfer-failed data" and "a plurality of third blocks" from the other blocks previously introduced. Thus, the rejection of claim 8 is overcome.

The Office Action rejected claims 10 and 16 for failing to conform to U.S. practice for being generally narrative and indefinite. Claims 10 and 16 have been amended to clearly delineate the steps performed. Thus, the rejection of claims 10 and 16 is overcome.

In view of the foregoing, withdrawal of the rejection of claims 6-16 under 35 U.S.C. 112, second paragraph, is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

The Office Action rejected claims 1, 2, 6, 9, 10 and 14-16 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2002/0083120 to *Soltis*. Without conceding the merits of the rejection, Applicant respectfully submits that the amended claims overcome this rejection.

Claim 1, as amended, recites a "computer system for transferring data from a first storage unit to a second storage unit via a network." The computer system includes a first controller, a storage area network (SAN), a table and a second controller. The "first controller [is] provided in the first storage unit, which transfers data stored in said first storage unit, to said second storage unit using a block transfer protocol." The SAN performs "the transfer of data using the block transfer protocol is performed." The "table... associates a file composed of a plurality of blocks of data with blocks of data constituting the file." "[I]n response to information that identifies a particular block from said first controller via the SAN, [the second controller] identifies a file corresponding to the particular block using said table and transfers the

identified file to said second storage unit via a local area network (LAN) using a file transfer protocol." The "SAN couples the first controller and the second controller to establish a path for the transfer using the block transfer protocol and another path for the transfer using the file transfer protocol with the LAN."

In contrast, *Soltis* discloses a computer system for transferring data from a first storage unit to a second storage unit. The system includes a first controller that performs a transfer using a block transfer protocol via a SAN and a second controller for performing another transfer using a file transfer protocol via a LAN. (See Figure 11). However, *Soltis* does not disclose a "SAN [that] couples the first controller and the second controller." Specifically, as shown in Figure 11 of *Soltis*, the SAN is not coupled between the Nasan file system and the client-side remote file system.

In addition, *Soltis* discloses that a Nasan write function determines whether the request will utilize the SAN data-path or the NAS data-path, and if the NAS data-path is to be used to control is passed forward the request to the write function of the remote file system. (Paragraph [0025]). However, *Soltis* does not disclose "in response to information that identifies a particular block from said first controller via the SAN, the second controller identifies a file corresponding to the particular block using said table and transfers the identified file to said second storage unit."

None of the cited references, alone or in combination, teach all of the features recited in independent claim 1. For example, *Soltis* does not teach a "SAN [that] couples the first controller and the second controller," as recited in claim 1. *Soltis* also does not teach "in response to information that identifies a particular block from said first controller via the SAN, the second controller identifies a file corresponding to the particular block using said table and transfers the identified file to said second storage unit," as further recited in claim 1. For at least these reasons, claim 1 is allowable over the cited art.

Independent claims 6, 10 and 16, as amended, recite features that are similar to the features recited in amended claim 1. As discussed above with reference to claim 1, the cited art does not teach these features. Thus, claims 6, 10 and 16 are also allowable over the cited art

for at least the same reasons. Claim 14 depends from claim 10 and is allowable at least for the same reasons, as well as on its own merits. Claims 2 and 9 have been canceled, rendering the rejection of these claims moot.

In view of the foregoing, withdrawal of the rejection of claims 1, 2, 6, 9, 10 and 14-16 under 35 U.S.C. 102(b) is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 3-5, 7 and 13 under 35 U.S.C. 103(a) as being unpatentable over *Soltis* in view of U.S. Patent No. 7,134,040 issued to *Ayres*. The Office Action rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over *Soltis* and *Ayers* in view of U.S. Patent Publication No. 2004/0098637 to *Duncan*. The Office Action rejected claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over *Soltis* in view of U.S. Patent No. 5,948,062 to *Tzelnic*. Without conceding the merits of the rejection, Applicant respectfully submits that the amended claims overcome these rejections.

Claims 3-5 depend from claim 1 (directly or indirectly), claims 7 and 8 depend from claim 6 (directly or indirectly), and claims 11-13 depend from claim 10. The rejection of claims 3-5, 7, 8 and 11-13 is premised on the assertion that *Soltis* discloses the features recited in claims 1, 6 and 10, and one or more of *Ayres*, *Duncan* or *Tzelnic* discloses the remaining features of claims 3-5, 7, 8 and 11-13.

As discussed above, however, *Soltis* does not disclose or suggest all features recited in amended claims 1, 6 and 10. As best understood, *Ayres*, *Duncan* or *Tzelnic* do not provide any teaching or suggestion that would remedy this deficiency. Therefore, the rejection is based on a flawed premise and cannot be maintained. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 3-5, 7, 8 and 11-13.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Application No. 10/784,111
MASAMI KAMEDA
Reply to Office Action of May 22, 2007


PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

8/16/07

Date



John J. Farrell
Reg. No. 57,291

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300

JJF:clm

61112051 v1